

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

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**Civil Action No. 6:12-CV-499-LED
(Consolidated from 6:12-CV-531)**

JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY IN RESPONSE TO DEFENDANT
VERCURY'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of BIO-key International, Inc. (“BIO-key” or “Defendant”) (Dkt. No. 86) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

PARTIES

1. Plaintiff admits the allegations of Paragraph 1, upon information and belief.
2. Plaintiff admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Plaintiff admits the allegations of Paragraph 3.
4. Plaintiff admits the allegations of Paragraph 4.
5. Plaintiff admits the allegations of Paragraph 5.
6. Plaintiff admits the allegations of Paragraph 6.

**COUNT 1: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 7,346,472**

7. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 6 above.
8. Plaintiff denies the allegations of Paragraph 8.

**COUNT 2: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 7,660,700**

9. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 8 above.
10. Plaintiff denies the allegations of Paragraph 10.

**COUNT 3: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 7,949,494**

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 10 above.
12. Plaintiff denies the allegations of Paragraph 12.

**COUNT 4: DECLARATORY RELIEF REGARDING
NON-INFRINGEMENT OF U.S. PATENT NO. 8,214,175**

13. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 12 above.
14. Plaintiff denies the allegations of Paragraph 14.

**COUNT 5: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,346,472**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 14 above.
16. Plaintiff denies the allegations of Paragraph 16.

**COUNT 6: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,660,700**

17. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 16 above.
18. Plaintiff denies the allegations of Paragraph 18.

**COUNT 7: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 7,949,494**

19. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 18 above.
20. Plaintiff denies the allegations of Paragraph 20.

**COUNT 8: DECLARATORY RELIEF REGARDING
INVALIDITY OF U.S. PATENT NO. 8,214,175**

21. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 20 above.
22. Plaintiff denies the allegations of Paragraph 22.

REQUEST FOR RELIEF

Plaintiff denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Dated: November 15, 2012

Respectfully submitted,

/s/ Randall T. Garteiser
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Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser